

1 THE HONORABLE RICARDO S. MARTINEZ
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 JAMES GINZKEY, RICHARD
11 FITZGERALD, CHARLES CERF, BARRY
12 DONNER, and on behalf of the class members
13 described below,

14 Plaintiffs,

15 v.

16 NATIONAL SECURITIES CORPORATION,
17 a Washington Corporation,

18 Defendant.

19 Case No.: 2:18-cv-01773-RSM

20 **STIPULATED MOTION TO REVISE
21 SCHEDULING ORDER REGARDING
22 CLASS CERTIFICATION**

23 **NOTE ON MOTION CALENDAR:
24 OCTOBER 3, 2019
25 WITHOUT ORAL ARGUMENT**

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28 STIPULATED MOTION TO REVISE SCHEDULING
29 ORDER REGARDING CLASS CERTIFICATION
30 Case No.: 2:18-CV-1773

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1 Plaintiffs James Ginzkey, Richard Fitzgerald, Charles Cerf, and Barry Donner
2 (collectively, "Plaintiffs") and Defendant National Securities Corporation ("Defendant")
3 (collectively, the "Parties"), by and through their undersigned attorneys, hereby submit this
4 Stipulated Motion to Revise the Scheduling Order Regarding Class Certification in this case.

5 **IT IS HEREBY STIPULATED:**

6 WHEREAS, Plaintiffs filed the Complaint in this action on December 10, 2018
7 (ECF No. 1);

8 WHEREAS, the Court issued a Rule 16(b) and Rule 23(d) Scheduling Order Regarding
9 Class Certification on August 2, 2019 (ECF No. 33). The Court set a deadline for the Parties to
10 complete discovery on class certification by November 3, 2019. The Court set a deadline for
11 Plaintiffs to file a motion for class certification by December 3, 2019;

12 WHEREAS, in September 2019, Defendant retained new lead counsel for this case.
13 Defendant is now represented by Fred Knopf, Chad Weaver, Elizabeth Fellmeth, and Nikki
14 Sachdeva of Freeman Mathis & Gary, LLP. Counsel are located in Connecticut and California
15 and will file applications to appear *pro hac vice* in this case. Defendant also continues to be
16 represented by Douglas Greene and James Morrison of Baker & Hostetler LLP in Seattle,
17 Washington;

18 WHEREAS, the Parties have begun to conduct discovery on class certification through
19 written discovery requests;

20 WHEREAS, given the complexity of the class certification issues and the nature of
21 Plaintiffs' claims, the Parties anticipate conducting substantial additional discovery regarding class
22 certification, including document discovery, depositions of the four Plaintiffs, depositions of
23 additional investor witnesses, and Rule 30(b)(6) depositions of Defendant;

24 WHEREAS, there is good cause to continue the deadlines for class certification discovery
25 and briefing based on Defendant's retention of new counsel. Counsel have required time to
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1 transfer and review case files, investigate Plaintiffs' claims, and confer with Plaintiffs' counsel
 2 regarding discovery;

3 WHEREAS, there is further good cause to revise the Scheduling Order Regarding Class
 4 Certification given the amount of time required to conduct all necessary discovery on class
 5 certification issues. In particular, the Parties anticipate that they will need three additional months
 6 to collect and exchange documents, prepare for and take several depositions, confer on any
 7 discovery issues, and make any necessary discovery motions. The Parties request that the deadline
 8 for discovery on class certification be set no earlier than February 3, 2020 to allow for the Parties
 9 to take all necessary depositions, considering the scheduling needs and constraints of
 10 approximately six to ten witnesses (who are located in different states), counsel for Plaintiffs and
 11 Defendant, and the upcoming holidays;

12 WHEREAS, the Parties therefore request that the Court revise its Rule 16(b) and Rule
 13 23(d) Scheduling Order Regarding Class Certification to allow time for the Parties to adequately
 14 conduct discovery on and brief the class certification issues;

15 **NOW THEREFORE**, in consideration of the Parties' stipulation and good cause shown,
 16 the Parties respectfully request the Court's approval of this Motion and an Order revising the
 17 Scheduling Order as follows:

18 Deadline to complete discovery on class certification (not to be construed as a bifurcation of discovery)	February 3, 2020
21 Deadline for Plaintiffs to file motion for class certification (noted on the fourth Friday after filing and service of the motion pursuant to Local Rules W.D. Wash. LCR 7(d)(3) unless the parties agree to different times for filing the response and reply memoranda).	March 2, 2020

1 DATED: October 2, 2019

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DATED: October 1, 2019

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*Attorneys for Defendant
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IT IS SO ORDERED.

DATED: _____, 2019

By: _____
HON. RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

STIPULATED MOTION TO REVISE SCHEDULING
ORDER REGARDING CLASS CERTIFICATION
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